

IN THE CIRCUIT COURT OF COFFEE COUNTY, TENNESSEE
SITTING AT MANCHESTER

BOBBY S. WINES,

Plaintiff,

v.

UNUM LIFE INSURANCE
COMPANY OF AMERICA,

Defendant.

Case No.:

39591

FILED

MAY 24 2012

CIRCUIT COURT
COFFEE COUNTY, TN
HEATHER HINDS DUNCAN, CLERK
TIME _____ AM/PM

COMPLAINT FOR DECLARATORY JUDGMENT

COMES NOW, your Plaintiff, BOBBY S. WINES, and pursuant to T.C.A. § 29-14-101 et seq. and Rule 57 of the Tennessee Rules of Civil Procedure hereby request a declaratory judgment on the following issues and in support of this action for declaratory judgment would state to the Court as follows:

1. The Plaintiff is a resident of Manchester, Coffee County, Tennessee, and the Defendant is an insurance company licensed to do business in the State of Tennessee.
2. That the Plaintiff was an active full-time employee of the Restoration Baptist Ministry of the Southern Baptist Convention and was covered under a premier long-term disability plan, policy number 111605 and claim number 6469091, made available by and through Guidestone Financial Resources with the plan underwritten by the Defendant, Unum Life Insurance Company of America.
3. That on or about March 22, 2011, Plaintiff was approved for long-term disability benefits and since that time has received monthly long-term disability benefits and remains



eligible for same.

4. That the aforementioned long-term disability insurance plan also provides DISABILITY PLUS coverage for an insured if the insured meets certain criteria. The DISABILITY PLUS benefit is twenty (20%) percent of monthly earnings.

5. The insured would become eligible for DISABILITY PLUS coverage so long as the insured meets either of the following criteria:

“You lose the ability to safely and completely perform two (2) activities of daily living without another person’s assistance or verbal cueing; or you have deterioration or lose in intellectual capacity and need another person’s assistance or verbal cueing for your protection or the protection of others.”

6. It is the position of the Plaintiff that because of his disability he is unable to safely and completely perform two (2) activities of daily living without another person’s assistance or verbal cueing. However, Defendant maintains that the Plaintiff is not eligible for DISABILITY PLUS benefits and that the Plaintiff does not meet the requisite criteria.

7. In support of Plaintiff’s claim that he is eligible for DISABILITY PLUS benefits attached hereto is the assessment of Dr. Eric Young of the Tennessee Comprehensive Pain Center, 1801 N. Jackson Street, Tullahoma, Tennessee 37388. Upon information and belief, Dr. Jeffrey T. Hodrick, Orthopaedic Surgeon, Southern Joint Replacement, 4230 Harding Pike, Suite 900, Nashville, Tennessee 37205, concurs with the assessment of Dr. Young.

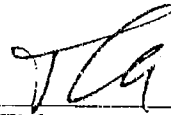
WHEREFORE PREMISES CONSIDERED, your Plaintiff prays:

1. That the Court declare that the Plaintiff is eligible for DISABILITY PLUS benefits; and

2. That the Plaintiff recover DISABILITY PLUS benefits retroactive to March 22, 2011; and

3. That the Plaintiff recover his reasonable attorney's fees incurred and that the costs of the cause be assessed against the Defendant.

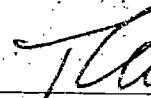
Respectfully submitted,



Thompson G. Kirkpatrick, BPR# 009203
Attorney for Plaintiff
106 East Main Street
Manchester, Tennessee 37355
(931) 728-3337
Fax: (931) 728-5557
Email: kirkpatricklaw@yahoo.com

COST BOND

We go surety for costs not to exceed \$500.00.



Thompson G. Kirkpatrick

Date: 11-21-11

Dr. Eric Young
Tennessee Comprehensive Pain Center
1801 N. Jackson Street
Tullahoma, TN 37388
(931) 454-1067
www.tenneseepaincenter.com

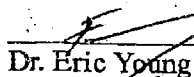
TO: Mr. Tommy Kirkpatrick, Attorney at Law
106 E. Main Street
Manchester, TN 37355
(931) 728-3337

Dear Mr. Kirkpatrick,

Below you will note a list of activities associated with daily living. Due to the degenerative lumbar disc condition that Mr. Bobby Wines suffers from, and additionally the impairment associated with his shoulders, knees, neck, and arms I have made the final determination regarding his ability to perform the tasks listed below based upon my best medical judgment, the findings of Top Rel's functional capacity assessment of 6/14/11, and present examination:

Activities	Independent	With Assistance	Completely Dependent
Bathing		X	
Grooming		X	
Dressing		X	
Transferring		X	
Toileting		X	
Maintain proper continence	X		
Mobility and Transportation		X	
Eating	X		
Climbing Stairs		X	
Meal Planning and Cooking	X	X	
Errand Running		X	
Managing Medications	X		
Doing Laundry		X	
Household chores		X	

Sincerely,


Dr. Eric Young

11/21/11
Date



CORPORATION SERVICE COMPANY®

Notice of Service of Process

null / ALL
Transmittal Number: 10010350
Date Processed: 06/13/2012

Primary Contact: Jen Majic
UNUM Group
1 Fountain Square
Chattanooga, TN 37402

Copy of transmittal only provided to: Janna Mullin-Erickson

Entity:	Unum Life Insurance Company Of America Entity ID Number 2979591
Entity Served:	Unum Life Insurance Company of America
Title of Action:	Bobby S. Wineš vs. Unum Life Insurance Company of America
Document(s) Type:	Summons/Complaint
Nature of Action:	Contract
Court/Agency:	Coffee County Circuit Court, Tennessee
Case/Reference No:	39591
Jurisdiction Served:	Tennessee
Date Served on CSC:	06/12/2012
Answer or Appearance Due:	30 Days
Originally Served On:	TN Department of Commerce and Insurance on 05/30/2012
How Served:	Certified Mail
Sender Information:	Thompson G. Kirkpatrick 931-728-3337

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
CSC is SAS70 Type II certified for its Litigation Management System.
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com

CIRCUIT COURT SUMMONS

MANCHESTER, TENNESSEE

STATE OF TENNESSEE - COUNTY OF COFFEE
14TH JUDICIAL DISTRICT

FILE NO.: 39591

BOBBY S. WINES

Plaintiff

FILED

v.

MAY 24 2012

UNUM LIFE INSURANCE COMPANY OF AMERICA

CIRCUIT COURT
COFFEE COUNTY, TN
HEATHER HINDS DUNCAN, CLERK
TIME 4:44 PM

Defendants

To the above-named Defendant:

UNUM LIFE INSURANCE COMPANY OF AMERICA

BENEFITS CENTER

P.O. BOX 100158

COLUMBIA, SOUTH CAROLINA 29202-3158

(SERVE THROUGH COMMISSIONER OF INSURANCE)

You are summoned to appear and defend a civil action filed against you in Circuit Court, Coffee County, Tennessee, and your defense must be made within thirty (30) days from the date this summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the complaint.

ISSUED: 5-24-12

H. H. Duncan

Circuit Court Clerk
Coffee County, Tennessee

By

Deputy Clerk

ATTORNEY FOR PLAINTIFF: Thompson G. Kirkpatrick, BPR#9203
Kirkpatrick Law Office
106 East Main Street
Manchester, Tennessee
(931) 728-3337

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. [T.C.A. 26-2-114.]

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

Received this summons for service this _____ day of _____

Circuit Court Clerk

Officer

RETURN ON SERVICE OF SUMMONS

I hereby certify and return, that on the _____ day of _____, _____, I served this summons together with the complaint herein as follows: _____

RECEIVED
CLERK OF THE COURT
JUDICIAL BRANCH
NASHVILLE, TENN.
JUN 29 2012

OFFICER

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return, that on the _____ day of _____, _____ I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in Case No. _____ to the Defendant, _____
On the _____ day of _____, _____ I received the return receipt for said registered or certified mail, which had been signed by _____
on the _____ day of _____, _____. Said return receipt is attached to this original summons and both documents are being sent herewith to the Circuit Court Clerk for filing.

SWORN TO AND SUBSCRIBED BEFORE ME ON
THIS _____ DAY OF _____,

Notary Public or _____ Deputy Clerk

PLAINTIFF, PLAINTIFF'S ATTORNEY OR
OTHER PERSON AUTHORIZED BY STATUTE
TO SERVE PROCESS

My Commission Expires: _____

ATTACH RETURN RECEIPT HERE

PUBLIC NOTICE

The Americans with Disabilities Act prohibits discrimination against any qualified individual with a disability. The Tennessee Judicial Branch does not permit discrimination against any individual on the basis of physical or mental disability in accessing its Judicial programs. In accordance with the Americans with Disabilities Act, if necessary, the Tennessee Judicial Branch will provide reasonable modifications in order to provide access to all of its programs, services, and activities to qualified individuals with disabilities.

This notice is provided as required by Title 81 of the Americans with Disabilities Act of 1990.

If you need assistance, have questions or need additional information, please contact your local Judicial Program ADA Coordinator:

Sheila K. Morris
511 Union Street, Ste. 600
Nashville, TN 37219
615-741-2687 or 800-448-7970

adacoordinator@tscmail.state.tn.us

The Tennessee Judicial Branch Americans with Disabilities Act Policy Regarding Access to Judicial Programs, as well as a Request for Modification form may be found online at www.tsc.state.tn.us.

State of Tennessee
Department of Commerce & Insurance
500 James Robertson Parkway
Financial Affairs - Analytical Unit
Nashville, TN 37243

CERTIFIED MAILSM



7011 2970 0003 4363 2509



02 1M
0004292626 JUN 11 2012
MAILED FROM ZIP CODE 37243



7011 2970 0003 4363 2509 6/8/12
UNUM LIFE INSURANCE CO. OF AMERICA
2908 POSTON AVENUE, % CORP. SVC. CO.
NASHVILLE, TN 37203

3720331312 0025

